

Disclosure Conflict of Interest

TO: CHIEF EXECUTIVE OFFICER OR CHAIR

PART 1

In accordance with sections 130 and 131 of the *Local Government Act 2020*, I declare that I have a conflict of interest in the following matter:

Name:

☐ Councillor ☐ Officer ☐ Delegated Committee Member ☐ Other (please

Meeting Date:

Meeting Type:

Item Number on Agenda:

Brief Description of Item:

PART 2

Further, I declare, in accordance with section 127-129 of the *Local Government Act 2020*, that the TYPE OF INTEREST that has given rise to the conflict is:

☐

a GENERAL conflict of interest (s 127).

OR

☐

a DIRECT MATERIAL conflict of interest of a PECUNIARY nature (128).

☐

a DIRECT MATERIAL conflict of interest of a NON-PECUNIARY nature (s 128).

☐

an INDIRECT MATERIAL conflict of interest of a PECUNIARY nature (s.128).

☐

an INDIRECT MATERIAL conflict of interest of a NON-PECUNIARY nature (s 128).

PART 3

Further, I declare that the NATURE OF MY INTEREST is described as follows:

Note: When this matter is being considered, or any vote taken, the Councillor, Delegated Committee Member, Council Officer or Meeting Member **must leave the room and notify the CEO, Mayor or Chair** accordingly and remain outside the room and any gallery or other area in view or hearing of the room while the item is being considered.

PERSON MAKING DECLARATION:

Signature:

Name:

DISCLOSURE GUIDELINES

Who must disclose a Conflict of Interest?

The *Local Government Act 2020* (the Act) and Council's Governance Rules require that any Councillor or Delegated Committee Member who has a conflict of interest in a matter before Council or a Delegated Committee:

- a) must complete a 'Disclosure - Conflict of Interest Form' and lodge it with the Chief Executive Officer or Chair prior to the commencement of a Council Meeting;
- b) must disclose any conflict of interest which they have in an item of business at the time specified on the Agenda;
- c) must disclose the nature of the conflict of interest immediately before the consideration of the relevant matter;
- d) must notify the Chair that they are leaving the Chamber and then leave the Chamber; and
- e) must remain outside the Chamber or any other area in view or hearing of the Chamber until the vote has been taken.

What is a MATERIAL Conflict of Interest?

A material conflict of interest occurs if an affected person would gain a benefit or suffer a loss depending on the outcome of a matter. The benefit may arise or the loss may be incurred either directly or indirectly or in a pecuniary or non-pecuniary form.

A pecuniary benefit or loss is one that can be measured in terms of money. However a benefit or loss does not have to be pecuniary. A non-pecuniary benefit could be a change in the residential amenity affecting the street in which an affected person lives or a permit allowing an activity in the centre in which an affected person's mother runs a business.

A direct benefit or loss occurs where the affected person is the immediate recipient or suffers the loss themselves. An indirect benefit or loss occurs when the affected person is affected because of the impact on another person or body that the affected person is associated with.

An affected person includes:

- a) the relevant person (meaning a Councillor, Delegated Committee Member or member of Council staff);
- b) a family member of the relevant person (family member means a spouse or domestic partner of the relevant person or a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the relevant person or any other relative that regularly resides with the relevant person);
- c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- d) an employer of the relevant person, unless the employer is a public body;
- e) a business partner of the relevant person
- f) a person for whom the relevant person is a consultant, contractor or agent;
- g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- h) a person from whom the relevant person has received a disclosable gift (one or more gifts with a total value of, or more than, \$500, received from a person in the five years preceding the decision on the matter but excluding the value of any hospitality received by the relevant person at an event or function attended in an official capacity).

What is a GENERAL Conflict of Interest?

A general conflict of interest is one that an impartial, fair-minded person would consider occurring when a person's private interests result in that person acting in a manner that is contrary to their public duty. There are three parts of a general conflict of interest that should be considered:

- a) the private interest – any interest that an affected person has that does not derive from their public duty;
- b) the public duty – the responsibilities and obligations that the affected person has to members of the public in their role;
- c) what an impartial, fair-minded person would consider – assuming they have all the facts and does not have any bias.

Do any EXEMPTIONS apply?

Yes the following exemptions apply to conflicts of interests under the Act.

- a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.